



9 August 2004

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington D.C. 20554

Re: WCB Docket Nos. 01-338, 96-98, 98-147

Dear Ms. Dortch:

On August 6, 2004, the undersigned, together with Julia Strow of Cbeyond, made an *ex parte* presentation to Matt Brill of the Office of Commissioner Kathleen Abernathy in the above-referenced dockets. In its presentation, ALTS urged the Commission to recognize the likelihood that high capacity loop and transport facilities, and in particular DS1 UNEs, will be reinstated by the Commission in its upcoming permanent rules proceeding. As such, as detailed in ALTS' July 22, 2004, letter to the Commission, it would be highly disruptive to the communications marketplace to impose cost increases on, or permit incumbents to deny access to, such facilities while the Commission works to complete its permanent rules. ALTS urged the Commission to take the necessary steps to protect small businesses by expressly insulating DS1 UNEs from such transitional price increases, including confirming, via tentative conclusion or other appropriate procedural vehicle, the unanimous Commission decision to unbundle DS1 UNEs.

Respectfully submitted,

/s / Jason Oxman

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